

REMARKS

A. Claim Objections

In the present Office Action, the Examiner objected to claims 4, 5, 18, and 19 as depending from canceled claims. By the amendments herein, these typographical errors have been corrected and claims 4 and depend from pending claim 1 and claims 18 and 19 depend from pending claims 15.

B. Rejections Under 35 U.S.C. § 103(a)

In the present Office Action, claims 1, 4, 13, 15, 18, and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over Christensen (U.S. Patent No. 5,984,044) in view of Pickett (U.S. Patent No. 4,214,411), claims 5, 8, 19, 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Christensen in view of Pickett and further in view of Neumann (U.S. Patent No. 6,253,872), claims 9, 11, 14, 23, and 28 were rejected under 35 U.S.C. § 103(a) as being obvious over Christensen in view of Pickett and further in view of Johnson (U.S. Patent No. 7,063,184), and claims 12 and 26 were rejected under 35 U.S.C. § 103(a) as being obvious over Christensen in view of Pickett in view of Johnson and further in view of Donnelly (U.S. Publication No. US2003/0019170).

As amended above, independent claim 1 is directed to a traffic noise barrier wall including the following limitations: *(1) a frame having an overall thickness that is substantially equivalent to the first and second slot widths adjacent the base portion; and (2) first and second flange portions each having a thickness that is about 26 to 45 percent of each of the first and second slot widths.* The support for these amendments is found in paragraph [0034] and in FIGS. 4-7. No new matter was added. Such a configuration allows one to more easily install a panel having a thickness that is less than the thickness of the post slots by providing a wider base portion for engaging the slot of a post and a narrower channel defined by the flanges for engaging the panel sheet.

Neither the combination of Christensen and Pickett nor any combinations of any art of record in the present application teaches or suggests flange portions having such a configuration. In contrast, the combination of Christensen and Pickett teaches a U-shaped protective sleeve 18

that the Examiner has identified as being equivalent to the frame of the present application. However, as shown best in FIG. 3 of Christensen, protective sleeve 18 fails to teach or suggest a base portion having a thickness substantially equivalent to the first and second slot widths and a channel having a thickness that is less than the first and second slot widths as claimed in independent claim 1. Moreover, protective sleeve 18 would fail to work with a panel sheet having a thickness that is less than the first and second slot widths in that the panel sheet would not be held firmly in place but would be able to move laterally within the first and second slots of the posts. Accordingly, the combination of Christensen and Pickett fails to render obvious independent claim 1 and claims 4 and 13, which depend from claim 1. For at least the same reasons as claim 1, the combination of Christensen, Pickett, and Neumann fails to render obvious claims 5 and 8, which depend from claim 1, the combination of Christensen, Pickett, and Johnson fails to render obvious claims 9, 11, and 14, which depend from claim 1, and the combination of Christensen, Pickett, Johnson, and Donnelly fails to render obvious claim 12, which depends from claim 1.

As amended above, claim 15 is directed to a panel assembly for a traffic noise barrier wall of the type including opposing slots formed in pairs of vertically-mounted posts including the following limitations: *(1) a frame having an overall thickness having an overall thickness that is substantially equivalent to the base portion; (2) a base portion having a substantially triangular cross-section; and (3) first and second flange portions extending from an apex of the base portion.* The support for these amendments is found in paragraph [0046] thru [0050] and in FIGS. 8-11. No new matter was added. Such a configuration allows one to more easily install a panel having a thickness that is less than the thickness of the post slots by providing a wider base portion for engaging the slot of a post and a narrower channel defined by the flanges, which are positioned inwardly from the ends of the base portion by virtue of their location at the apex of the base portion's triangular shape, for engaging the panel sheet.

Neither the combination of Christensen and Pickett nor any combinations of any art of record in the present application teaches or suggests a frame having such a configuration. In contrast, the combination of Christensen and Pickett teaches a U-shaped protective sleeve 18 that the Examiner has identified as being equivalent to the frame of the present application. However, as shown best in FIG. 3 of Christensen, protective sleeve 18 fails to teach or suggest a

base portion having a substantially triangular cross-section with flange portions extending from its apex. As mentioned above, protective sleeve 18 would fail to work with a panel sheet having a thickness that is less than the first and second slot widths in that the panel sheet would not be held firmly in place but would be able to move laterally within the first and second slots of the posts. Accordingly, the combination of Christensen and Pickett fails to render obvious independent claim 15 and claims 18 and 27, which depend from claim 15. For at least the same reasons as claim 15, the combination of Christensen, Pickett, and Neumann fails to render obvious claims 19 and 22, which depend from claim 15, the combination of Christensen, Pickett, and Johnson fails to render obvious claims 23 and 28, which depend from claim 15, and the combination of Christensen, Pickett, Johnson, and Donnelly fails to render obvious claim 26, which depends from claim 15.

C. New Claim

New claim 29 has been added. Support for new claim 29 is found in paragraphs [0034], [0059], and FIGS. 12-15.

D. Summary

In the present Office Action, claims 1, 3-5, 7-9, 11-15, 17-19, 22-23 and 26-28 were examined. Claims 1, 3-5, 7-9, 11-15, 17-19, 22-23 and 26-28 are rejected. No claims are objected to or allowed.

By this Amendment, claims 1, 4, 5, 15, 18, and 19 have been amended and new claim 29 has been added. Accordingly, claims 1, 4-5, 8-9, 11-15, 18-19, 22-23 and 26-29 are presented for further examination. No new matter has been added. By this Amendment, claims 1, 4-5, 8-9, 11-15, 18-19, 22-23 and 26-29 are believed to be in condition for allowance.

Applicants submit that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance.. Therefore, Applicants respectfully request entry of this amendment, reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
Eric C. Humphries, et al.

/Anthony P. Gangemi/

Date: August 5, 2008

Anthony P. Gangemi
Reg. No. 42,565

CONTACT INFORMATION:

WIGGIN and DANA LLP
One Century Tower
New Haven, CT 06508-1832
Telephone: (203) 498-4395
Facsimile: (203) 782-2889
Email: tgangemi@wiggin.com